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# Liberty

NOT THE DAUGHTER BUT THE MOTHER OF ORDER PROUDHON

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*"For always in thine eyes, O Liberty!*
*Shines that high light whereby the world is saved;*
*And though thou slay us, we will trust in thee."*

JOHN HAY.

## On Picket Duty.

The new edition of "Instead of a Book" is now ready, and copies are supplied from this office in paper or cloth covers at fifty cents and one dollar respectively. Those who long have wanted cloth copies can now be satisfied.

The number of responses to the advertisement of the publisher of "Three Dreams in a Desert" is encouraging, but not yet sufficient to warrant the publication of the proposed *édition de luxe*. A few more orders for ten copies at ten cents each are still needed. See the advertisement on page eight, and answer it if you are interested.

A negro who had raped a white woman was lynched in Ohio several weeks ago by a mob of madmen (and mad women). The New York "World," instead of condemning the lynching without qualification, excused it on the ground of "the law's delay," and the law's undue mildness in failing to punish rape with death. It claimed that, when the law should promptly punish rape with death, lynchings of this sort would disappear. A week had not passed when a negro who had been found guilty of rape by a jury promptly and especially convened, and who had at once been sentenced to death, was forthwith taken from the authorities by a mob, and hanged. Will the fool "World" see now what every person of insight saw long ago,—that nearly every lynching manifests not impatience at the law's delay and inseverity, but the revengeful and ignoble desire of brutes and savages to inflict torture with their own hands?

Comrade John Henry Mackay sends me from Zürich the very welcome news that his long-contemplated biography of Max Stirner, the immortal author of "Der Einzige und sein Eigenthum," is nearly finished, and will be published in German next February. Five of the six chapters that will constitute the volume are already written, and Comrade Mackay promises me that, as soon as the sixth is finished, he will send me an outline of the contents for publication in Liberty. After eight years of effort, and in face of discouraging paucity of material concerning this obscure author so far in advance of his time, Mackay has succeeded in making a volume of more than two hundred pages, which, it is easy to foresee, will be of the highest interest. At the same time will appear, under Mackay's editorship, a one-volume collection of Stirner's minor writings ("Kleinere Schriften"), and a further interesting announcement from our comrade who in Germany so steadily "keeps the faith" is a forthcoming one-volume edition of his own poems, now scattered in several volumes. But more interesting than all these projects is the fact that Mackay is at work upon a sequel to "The Anarchists" which he hopes to finish in a year or two, and which, I think, he expects to be the best product of his pen. Of this it is too early to speak in greater detail, but, that the inspiration which he may derive from our good wishes may not be lacking, I send, on behalf of all Anarchist workers in America, joyful greetings to our friend across the sea, congratulations on his achievements, and sympathy with his plans.

Readers of Liberty may remember that a little less than a year ago Dr. Eugen Heinrich Schmitt, of Budapest, threw up his post in the Hungarian department of justice, because he found it "inconsistent with his honor to serve under an institution which represents the legal oppression and exploitation of mankind." In January of the present year Dr. Schmitt founded a weekly, "Ohne Staat," for the more general diffusion of his Anarchistic ideas. One of his articles in this weekly, on "The Practicability of Anarchy," brought him into conflict with the authorities of the State. He was charged with revolutionary utterances against the law, constitutional government, and the constituted authorities. The trial took place May 11; and, according to the "Pester Lloyd," the leading paper in Hungary, aroused extraordinary interest among the cultivated classes of the Hungarian capital. The court-room was thronged with spectators, and many failed to gain admission. The prosecuting attorney, Dr. Isidor Baumgarten, opened his address to the jury with a reference to the initial paragraph of the criminal code, according to which no man can be punished for an act which the law has not declared a crime or a misdemeanor. The most depraved and worthless character cannot be legally prosecuted so long as he does not come into conflict with the criminal code. On the other hand, the purest-intentioned and loftiest idealist cannot claim immunity from legal prosecution and penalty, if, in blind and fanatical infatuation with a hobby, he violates the laws of the State. So much by way of establishing the necessity of proceeding against a man whose past life and conduct had received the approval of his fellow-citizens. In an age whose materialistic tendencies had affected even the most idealistic callings, special honor was due to a man who had searched after the truth with the modesty of a philosopher and the self-sacrifice of a priest. He disclaimed any intention of prosecuting the Eugen Schmitt whose literary work had won applause even in foreign countries. Here he had to deal with the Eugen Schmitt who, leaving the halls of science, had mounted the platform of the market-place, and exchanged the quiet life of the thinker with the turmoil of the agitator. If the accused had indeed merely discussed the practicability of Anarchy in a sober way, he might [illegible] in the realm of ideas. He could be shown that it is not the State which is the source of all evil, but that human frailty peremptorily demands the creation of a central power. Talk to the fishes about the advantages of lungs over gills; depict to them the variety of life on land in contrast with the monotony of life in the water—your glittering declamations will have no other result than that a few foolish fish will perish miserably in the sand. Ideal Anarchy is inconceivable without ideal men and women. But, instead of soberly advocating his views, the accused appealed to the passions and the selfishness of the poor, and, by inciting them against the powerful and wealthy, sought to overturn the social order. He belongs to the Ravachols and the Caserios, bearing in the one hand a bomb, in the other a dagger. Dr. Schmitt addresses two classes—the rich and the poor. The former he was not likely to delude, but the workingmen were only too liable to be misled into mischief by his agitation. The jury are therefore asked to find defendant guilty of the charges preferred against him. The counsel for the defence, Dr. Franz Kiss, stated that the school to which Dr. Schmitt belongs condemns the propaganda-by-deed policy. Like its founder, Proudhon, this school seeks to win people by peaceful means. Dr. Schmitt also spoke in his own defence. His case was not to be tried by the laws of Hungary. Two ages meet here, he said,—the ruling age of barbarism, of legalized murder, war, and robbery, and the coming age, which abhors coercion and all the legal crimes of the present day. He repeated what he had said in his article,—that the State is indeed a system of murder and robbery,—and quoted in literal confirmation of this view a passage from the church father, St. Augustine, and one from a letter of Frederic the Great to d'Alembert. He closed by saying that he had not come to defend himself, but to accuse and judge his accusers. Thereupon the case was given to the jury, who returned half an hour later with the verdict "Not Guilty," which was received amid great applause.

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BENJ. R. TUCKER, EDITOR AND PUBLISHER.

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*"In abolishing rent and interest, the last vestiges of old-time slavery, the Revolution abolishes at one stroke the sword of the executioner, the seal of the magistrate, the club of the policeman, the gauge of the exciseman, the erasing-knife of the department clerk, all those insignia of Politics, which young Liberty grinds beneath her heel."* — PROUDHON.

☞ The appearance in the editorial column of articles over other signatures than the editor's initial indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word. But the appearance in other parts of the paper of articles by the same or other writers by no means indicates that he disapproves them in any respect, such disposition of them being governed largely by motives of convenience.

## A Blow at Trial by Jury.

[Concluded.]

This law, again, tends to greatly impair the efficiency of the jury system in general by giving a tremendous impetus to the growing evil of exemption from jury duty, and so lowering the average of the general jury box in quality that it becomes less representative of the community as a whole. It withdraws instantly from ordinary jury duty, in each county to which it applies, at least three thousand picked men, and as many more as the court sees fit to enroll. The ordinary jury list in New York county containing only 35,000 names (and, by the way, it ought to contain 150,000 at the very least), to take from it 3,000 names is an extra exemption of almost ten per cent.; and in Kings county, where the ordinary jury list cannot be more than half as large as that of New York county, a reduction of 3,000 must amount to an extra exemption of twenty per cent. Of course, the burden upon the remaining ordinary jurors will be almost correspondingly increased, since the number of special jury trials will not suffice to shorten the ordinary trial calendar by even one per cent. No special juror being required to do special jury duty oftener than once a year, it would be necessary, in order to give each man of the minimum three thousand one case annually, to try by special jury two hundred and fifty cases each year. But, as the number of cases of sufficient importance to be so tried would certainly not exceed twenty-five a year in a given county, no special juror, unless especially unfortunate in the drawing, would be required to serve oftener than once in ten years. Here, then, is a very great inducement (to use no stronger word) offered to those busy and successful men who wish to avoid jury duty, and yet whose services as jurors the public so much needs, to seek enrolment on the special jury list, whereby they may secure absolute exemption from ordinary jury duty and something pretty near to exemption from any jury duty at all. The obvious result is that the great mass of cases will be tried by a reduced body of jurors, if not inferior in quality, at least less representative of the community as a whole. If this be not an assault on the jury system, what is it? In confirmation of this view, an important piece of expert testimony has been rendered very lately. On the evening of Thursday, May 20, the annual address provided by the Law Academy of Philadelphia was delivered before a representative gathering of Philadelphia members of the bench and bar by Justice John Dean, of the Pennsylvania supreme court, his subject being "The Jury." In this address Justice Dean had nothing to say of this special jury act,—I doubt if he knows of its existence,—but he said much that bears powerfully upon the phase of the subject which I am now discussing. I cite him upon it with the more force and the more pleasure, because, first, he is a high member of the judiciary, whose prerogatives and powers this special jury act so increases; because, second, his interest in the subject is prompted by his sympathy with the holders of property and capital, and his alarm at what he considers the growing tendency of juries to award inordinately heavy damages in suits against corporations and rich men; and because, third, Mr. Charles A. Dana, the editor of the "Sun," with characteristically unscrupulous audacity, has striven to make it appear that Justice Dean sympathizes with the modern assault on the jury system, whereas, in reality, as you will see, he is a rational and fair-minded man who wants to secure justice to all, including the rich, by restoring trial by jury, in part at least, to its ancient estate. I wish that time permitted me to read his entire address to you, but it limits me to a few extracts. He says:

> The jury wheel is to be filled with the names of "sober, intelligent, and judicious persons." . . These, names ought to and do include citizens from every vocation in life—the laborer, mechanic, business and professional man. It will at once be noticed that the jury wheel and the general panel represent the average conscience and intelligence of the district; eliminate from this the mechanic, small storekeeper, and laborer, you get above the grade of conscience and intelligence applicable to the settlement of disputes in ordinary affairs of men; for these are experts in those matters which immediately concern them. I have received more light in the trial of a cause from a coal miner than from an educated mining engineer; the coal miner was better educated in the practical knowledge which he dug out with his pick than the engineer, whose knowledge was largely gained from his books. And, if you eliminate from the jury panel the educated man, the man of large business affairs, the professional man, you get below the average conscience and intelligence of the judicial district. . . . The professional man, the boss mechanic, the city councilman, the thriving farmer, all want to be excused from jury service, because of the pressing nature of their business affairs. They are superior men, the very best specimens of the judicious citizen. Relieve this class from jury duty, and you at once reduce the average of conscience and intelligence in the jury box. . . . The most intelligent and judicious citizen in every court is seeking to escape jury duty, and too often he succeeds in evading the performance of an unpleasant service. This was not the case in the early history of our country. Then the most intelligent and influential citizens felt honored by being called upon to serve as jurors, and never sought to evade the duty. Business was not so exacting in its demands; the pursuit of wealth was not so eager. The consequence of this evasion of duty is you have not in the jury box the average conscience and intelligence of the public. What would be the verdict in any given case involving a property right with three or four such men on every jury to aid by their conscience, intelligence, and knowledge of business affairs in the deliberation, we cannot certainly know, but I believe that, with them there, unjust verdicts would be rare, and the growing dissatisfaction with the jury system would in a few years disappear. I would take the banker from his desk, the editor and professor from their chairs, the preacher from his pulpit, and put them in the jury box, there, under oath, to well and truly try or a true deliverance make according to the evidence. . . . The presence of such men would raise the average of conscience and intelligence as indicated by the verdict, and have it represent the intelligence and conscience of the general public. . . . I have not sought to discourse profoundly on the principles of jurisprudence, as applicable to trial by jury, but only to call attention to what to me seems full of peril to the institution itself, and so, if possible, to suggest a practical cure for the defect, and to save to our free government that part of it which, in my opinion, is its very life. To survive, the jury must represent the conscience and intelligence of the whole people, not of a part.

Contrast now with this the purpose of the special jury act, which is to segregate the busy men into a separate class of jurors with very little jury duty to do, and that little often to be done in matters where the class interests of men of business are directly at stake, thus making them, if unbalanced by other elements, incompletely representative of the community at large. How much wiser and fairer is Justice Dean's proposal to restore to public service as general jurors these busy men who now succeed so largely in dodging jury duty altogether, and thereby to give them their just share of influence in the jury box, and no more!

This law, again, is fraught with danger to justice in that it is capable of being used by judges, not only to pack the jury list itself, but also to pack, with impunity, the special jury drawn from the list for any given case. For under its provisions the trial judge's ruling upon any challenge of a juror for bias is final and subject to no exception. As appealed cases are often reversed by the higher courts because of the lower court's error in admitting or excluding a challenged juror, it will be seen at once that to give the lower court absolute power in this respect is to greatly add to the jeopardy of all accused persons. It was errors of this sort (made, however, by the higher court as well as the lower, which only shows the necessity of all possible caution) that led to the judicial murder of August Spies and his comrades at Chicago, and that laid the principal foundation for the righteous and glorious pardon issued by Governor Altgeld to Fielden, Schwab, and Neebe.

But we come to an even more serious phase of the subject when we approach the qualifications laid down in this law as requisite in a special juror. To begin with one of the milder ones, let us look at the requirement that he shall never have been convicted of a criminal offence. At first blush this commends itself, but on a closer look it becomes more doubtful. If it were required that he should never have been convicted of certain specified and extremely serious crimes, possibly no objection to it could be offered. But in its present sweeping form it is unjust and irrational. I undertake to say that at least one-half of the men who have been convicted of crime and have paid the legal penalties would make as good jurors as one-half of the men who have never been so convicted. Who of us, I should

like to know, has never committed a crime? There is not a person within the sound of my voice, not a person in active life anywhere in the civilized world, who does not violate more than one statute law every day of his life. I go farther: with the monstrous and ridiculous laws that year by year are accumulating on our statute-books, one may safely say that the man who is not a confirmed criminal is scarcely fit to live among decent people. Mark Twain, who is not only a great humorist, but, like most great humorists, a philosopher as well, said the other day in all seriousness, in an article in the New York "Herald," that, until a man has committed a crime or undergone a term of inprisonment, he is not fit to sit in judgment upon his fellow creatures. I do not go as far as Mark Twain; but I am sure that much more can be said in favor of his view than of the contrary view, embodied in the special jury law, that a man who has been convicted of crime is necessarily unfit to sit in judgment. How absurd it is to insist that all criminals are unfit for jury duty! Why, a man may commit some of the crimes to which very heavy penalties are attached, and still be a well-nigh ideal juror. Suppose, for instance, —and it is by no means an impossible case, for stranger things have often happened in our courts,—suppose, I say, that the head of the house of Harper Bros were to be arrested under the Comstock law and sent to prison for ten years for the crime of publishing and selling Du Maurier's novel, "Trilby," or Thomas Hardy's novel, "Jude, the Obscure"; could it be claimed for a moment that, on coming out of prison, provided his imprisonment had not ruined him physically, mentally, or morally, he would not make one of the best of jurors? Under this law John Brown would not have been an admissible juror; under this law George Washington would have been excluded from the jury box; under this law the man who was legally crucified on Calvary would have been disqualified for jury duty after he rose from the dead. And at this present moment I have in mind a man who would be on this platform to-night, were he not temporarily absent from the city; a man whom many people in this hall know and honor and intimately associate with; a man whom I consider as belonging to the salt of the earth; but a man who once served a long term in prison for the commission of an act as innocent in itself as my act in delivering this speech; and this man, although he has repeatedly served on ordinary juries in this city and has proved an excellent juror, was summarily set aside at the special commissioner's office, after examination, because he would not deny that he had once been convicted of a criminal offence. Why, my friends, I say, entirely apart now from the question of fitness of a former criminal for jury duty, that, when a man, having been convicted of crime and duly sentenced, has paid in full the penalty exacted of him by society, to compel him thereafter to appear before an official and, under penalty of further punishment for contempt, answer the question whether he has ever been convicted of crime is distinctly an outrage, and that the law under which this can be done is an infamy intolerable by freemen.

I shall not dwell long on the requisite that a special juror must be willing to accept the court's rulings upon matters of law, because, although I personally consider it a perversion of genuine trial by jury, and maintain that jurors should be judges of the law as well as of the facts, I recognize that there is a difference of opinion upon this point, and I wish to-night to address you solely from the generally-accepted view of jury trial. Nevertheless I crave your indulgence for a moment while I relate in this connection a recent experience of mine illustrative of the ignominious treatment which jurors continually suffer at the hands of judges, and of the propensity of the bench to carry things with a high hand.

A few evenings since, reaching my dwelling-place at about nine o'clock, I found there a summons in which I was ordered to appear in court at ten o'clock the following morning for ordinary jury duty. Short notice though it was, I appeared, together with other victims. After the jury-roll had been called, and those present had answered their names, and before any juror had uttered word or given sign of protest, the judge (I was informed that it was Judge McAdam, though I do not know this of my own knowledge) suddenly broke out with a tirade after the manner of an impatient schoolmaster addressing a crowd of unruly schoolboys, saying:

"Now I want you jurors to understand that you have been summoned here, not to be excused, but to serve. I will listen to none but absolute excuses. If any of you belong to the militia or fire department or any of the classes expressly exempt by law, I will hear you. Now get into line, those of you who are legally exempt. All others keep out of the line."

The line began to form, and, as it lengthened, the judge broke out again, repeating almost word by word, but with greater vehemence, his previous remarks. Although I did not come within the classes legally exempt, I took a place in the line with all the intrepidity of a member of the really "unterrified" democracy. Those ahead of me were heard in private, at the judge's bench, one by one, with varying results. Finally my turn came. Placing my summons in the judge's hand, I said:

"I have already been pronounced incompetent to serve as a juror in any case in this State."

"How so? Why are *you* incompetent?"

"Because my views of trial by jury are such as to prevent me fom accepting the ruling of the court upon a point of law, when, in my opinion, such ruling is unsound."

"What! Not accept the ruling of the court? How's that?"

"Because of opinions formed after twenty-five years' study of this and kindred questions."

"Well, but why not accept the court's ruling? I don't understand."

"Because I consider that juries should judge the law as well as the facts, as they do in Illinois and Maryland."

"But so they do here in some cases,—for instance, in cases of criminal libel."

"I know it; and I simply think that this should apply to all cases."

"You an American?"

"Yes, sir."

"*Native* American?"

"Yes, sir."

"BORN in *this* country?"

"Yes, sir."

"Well, I am surprised to hear that a native American entertains such views. Well, I suppose I shall have to excuse you; but I—really I am astonished to hear a native American talk so."

Whereat I smiled sweetly, and departed.

Strange, is it not? that a man in this country cannot manifest the smallest sign of mental independence without straightway coming under suspicion of being a Pole, or a Russian, or a Hungarian, or some other awful monster. Is it not a curious upsetting of all the traditions that, when a man with two hundred years of Yankee stock behind him ventures to intimate that his soul is his own, his native Americanism is promptly called in question? Yet, after all, it seems not so extraordinary that judges should have such a conception of native Americanism, when we reflect upon the contemptible meekness with which native Americans, for the past twenty years, have submitted to the piling-up of tyrannies upon them. I could not help asking myself, as I left that court-room, after being thus insulted, how Judge McAdam would feel, should he chance to meet me that evening in the parlor of a mutual friend. I wondered with what sort of grace, under such circumstances, he would be able to look me in the face. Yet such a *contretemps* must sometimes happen in the experience of an overbearing magistrate. Nay, even worse, for Judge McAdam's treatment of me was princely courtesy in comparison with the insults daily heaped upon inoffensive gentlemen by boorish judges dressed in a little brief authority. I cannot urge too strongly upon all who hear me the importance to true Americanism of refusing to be overawed by the bad manners of the bench.

And now for the worst feature of it all. I refer to the hypothetical questions put by the special commissioner, and to the requirement that the special juror shall have no prejudice against any law of the State that would preclude him from finding a defendant guilty of violating it. There are times when a single and simple illustration is more forceful than all the arguments in the world. Let me cite to you, then, just one fact.

In 1851, in the United States district court for the district of Massachusetts, Peleg Sprague, the United States district judge, in empanelling three several juries for the trials of Scott, Hayden, and Morris, charged with having aided in the rescue of a fugitive slave from the custody of the United States deputy marshal, caused the following question to be propounded to all the jurors separately, and those who answered unfavorably for the purposes of the government were excluded from the panel.

> Do you hold any opinions upon the subject of the fugitive slave law, so called, which will induce you to refuse to convict a person indicted under it, if the facts set forth in the indictment, and constituting the offence, are proved against him, and the court direct you that the law is constitutional?

The reason of this question was that the "fugitive slave law, so-called," was so obnoxious to a large portion of the people as to render a conviction under it hopeless, if the jurors were taken indiscriminately from among the people.

A similar question was soon afterwards propounded to the persons drawn as jurors in the United States circuit court for the district of Massachusetts, by Benjamin R. Curtis, one of the justices of the supreme court of the United States, in empaneling a jury for the trial of Morris, and again those answering unfavorably for the government were excluded.

Now I ask you, my friends, if you think this new jury law is in harmony with the people,—if you think, that is to say, that the people desire the "fugitive slave laws" of to-day to be easy of enforcement. Here we get at the very essence of this issue. The purpose of trial by jury is less the punishment of the guilty than the safety of the innocent. The object of the barons when they exacted the right of jury trial from King John was the protection of the individual against the tyranny of the government. The object of those who are now seeking to emasculate this right seems to be to leave the individual helpless in the tyrant's hands.

"But," I hear some one ask, "is it not rather absurd to put the enforcement of a law in the hands of a jury composed in whole or in part of men prejudiced against that law?"

Well, it does seem a bit irrational, until we inquire what the purpose of statute law is, or ought to be. If the purpose of statute law is the attainment of a rigid, inflexible, stiff-backed, cast-iron justice, then perhaps the special jury system is an excellent method of achieving it. But I declare to you that no such justice is wanted in any civilized community. We want a justice, not rigid, but elastic; we want a justice, not stern, but tempered with mercy, sympathy, and common sense; we want a justice, not blind, but with eyes sharp enough to detect causes, conditions, and circumstances; we want a justice, not superficial, but profound. Granting perfectly that no man is entitled to assault another, we yet want a justice that will not punish the striker who knocks down a so-called "scab" three times as severely as it punishes any common citizen for knocking down another common citizen. Granting perfectly that property ought to be protected against thieves, we yet want a justice that, instead of putting the rich man who steals a million in prison for a year and the poor boy who steals a ten-cent pocket-book in prison for six years and a half, will reverse the severity of those sentences. Granting perfectly the validity of the eighth commandment, we want a justice that, when convinced that a man has stolen a loaf of bread because he was actually starving, will send him to jail for not more than a week, and will see that he has three good meals a day while he is there. And not only granting, but asserting, the freedom of woman to choose, we want a justice that will see to it that a difference of twenty-four hours in a young woman's age shall not make all the difference between a man at perfect liberty and a man in prison for twenty years. But such justice as this, my friends, is not to be had by excluding from jury duty men who have prejudices against certain statutes. It is prejudice against the law that oftenest saves society. However we may look at it theoretically, prejudice against the law serves in practice as a most valuable corrective of the folly of law-givers and the cruelty of courts. Shall we, then, dismiss so useful a public servant?

Suppose, however, that we were to admit—which we do not, for the reasons just given—suppose we were to admit that prejudice against a particular law ought to disqualify the man who entertains it for jury service in a trial involving that law. There is nothing new about this. As we have seen, it is a condition that has sometimes been insisted on in the past. But does this furnish the slightest justification for a jury law providing that no man having a prejudice against any single law, no matter what, shall sit as juror in any important case whatsoever, though the law involved in the case be one in which he thoroughly believes? Against this special jury law a man prejudiced against the Raines law could not serve as juror in a murder trial, though he believed as stoutly as Moses and Jehovah in the doctrine of an eye for an eye, a tooth for a tooth, and a life for a life. Under it a man having conscientious scruples against the death penalty could not sit in judgment on the tobacco trust, though he were to outdo Karl Marx in asserting the right of the State to suppress freedom of trade. Could there be a more monstrous perversion of common sense and fairness than this? Does it not show beyond a doubt that the purpose of this law is to exclude men who are both intelligent and honest from the jury box? For who are the intelligent and honest men in a community? They certainly are not the men who swallow all the laws in a lump. Rather are they the men of sufficient mental calibre to enable them to examine the laws for themselves, to discriminate between the good and the bad, and to reject some while accepting others.

"But," it may be said, "this law does not exclude the simply prejudiced; it excludes only those who will not or can not put aside their prejudices sufficiently to enable them to convict." Ah! it is a damaging admission. For it is confessed thereby that it is the purpose of this law to recruit special jurors exclusively from those who are willing to dethrone their brains and consciences, to abdicate their individual sovereignty, and become mere cat'spaws of those in power. I take it that it is not such men that we need for the jury box. But that this new law wants such, and only such, we have abundant proof. I know a man—a very amiable gentleman, whom I esteem highly as a friend—who is on this special jury list. He is a very mild and gentle individual, who strongly objects to capital punishment. He was examined by one of the commissioner's subordinates, and then by the commissioner himself. The commissioner, on discovering his objection to the death penalty, turned to his subordinate, and asked rather severely:

"Why did you bring this man in to me? You should have known that he would not do for us."

"Please, sir, ask him a few more questions," mildly urged the subordinate.

The few more questions were put, and, in answering them, the gentleman stated that, while believing it wrong to kill a murderer, he would consider it his duty, in his capacity as a juror, to find a murderer guilty, in order that the State might kill him.

"Oh! in that case," said the commissioner, "you are just the man we want," and on the list he went.

I suppose that this gentleman would also accept the office of sheriff, press the button that would send a fatal current of electricity through some helpless wretch, and then piously exclaim: "Of this act of murder I wash my hands. It was not I, it was the sheriff who did it." I do not believe that the people of these two counties want their jury boxes filled exclusively with such men as he.

Do not, however, understand me to declare that all the men now on this special jury list are thoroughly objectionable. I believe that it is a part of the plan to have some good men on it at first. The executors of the law desire to be able to say to objectors: "See! we have laborers on our jury list." Personally I know of two or three labor leaders who are on the list. I even know one Anarchist on it. It is the intention not to be too particular in this first sifting. Moreover, it is no easy matter, even in as large a county as New York, to find at short notice 3,000 men exactly to the liking of our masters. So they are taking the best that they can easily get, being well aware that, as they learn to know their men, they can cast out the unruly and put the submissive in their places. Meanwhile the game is to make the thing attractive to the people. Note the course lately pursued by the commissioner against Mr. John Claflin, millionaire, of the great dry goods house of Claflin & Co. Mr. Claflin has long been accustomed to ignoring notices to appear for jury duty. Consequently, and being unaware of the new special jury law, when he received the special commissioner's notice he ignored this also. But, the millionaires collectively having in their own interest determined that no individual millionaire shall dodge special jury duty, a warrant forthwith issued for Mr. Claflin's arrest. Whereupon he hastened before the commissioner, and was received with the usual affability. I tell the story substantially as it was told in the newspapers.

"Evidently, Mr. Claflin," said the commissioner, in substance, "you don't know a good thing when it is put in your way. If you had known what a snap we were offering you, you would have come here voluntarily. Why, my dear sir, this is the juror's paradise. You are not only exempt from ordinary jury duty, but, assuming the worst, you will not have to serve on a special jury oftener than once in four years."

And then Mr. Claflin's examination began.

"Have you, Mr. Claflin, any prejudice against any law of the State that would preclude you from finding a defendant guilty of violating it?"

"Well, yes, I have a prejudice against the Anti-Trust law."

"But now, Mr. Claflin, you surely are an honest man. Do you not think that, in spite of your prejudice, you could find a verdict in accordance with the law and the evidence?"

"Well, yes, I suppose I could."

And so Mr. Claflin's name went on the list, and a double purpose had been served. An effective warning had been given to the rich as to what their fellow rich men expect of them in this matter, and, by a huge bluff, the people

had been assured that this new law is the poor man's friend, designed to force the rich man to do his fair share of jury duty. By holding this meeting to-night the organized labor of these two counties declares that this bluff does not go, and insists that the commissioner and his backers shall show their hand. It is a call which the special commissioner will not relish, for, as he recently declared in conversation, his commissionership is his bread and butter.

It is likely, my friends, that still other efforts will be made to hoodwink the people. Special pains may be taken to make ordinary jury service appear inefficient, ineffective, and ridiculous, and, with the ground thus prepared, the special jury law may be first brought into action in a case carefully selected for the concealment of its inherent evils, and the abuses for which it opens the door may be strenuously avoided. Then the newspapers will promptly call our attention to the beautiful manner in which this law is saving the precious time of our courts. But some fine day a band of fanatics will have a pet persecution to enforce, or a band of thieves will contemplate a new and gigantic steal under the cover of the law, and we shall awake to the fact that we have placed in the hands of our enemies one of the most potent engines ever devised for crushing out the liberties of men.

I come here to-night simply to warn you of the danger. The law is passed and on the statute books, thanks to our indifference. We are confronted now with a condition, not a theory. And I ask you, in the language of a great criminal, famous and infamous in the annals of New York, who, numerous and appalling as were his crimes, never committed any half as mischievous, never perpetrated one a thousandth part as wicked in effect, as this new law will prove,—I ask you, in the language of Bill Tweed, but in a very different spirit: "What are you going to do about it?"

For myself, I tell you frankly that I am not too hopeful of this law's repeal. Mighty interests are entrenched behind it. I am certain that it will not be repealed if our efforts are to stop with this meeting. I am certain that you cannot secure its repeal by going to Albany and asking for it. I am certain that you will not remove it from the statute-books by your ballots next November. Make these efforts if you will; I wish you all success. But I predict failure. There is, however, a way, a certain way, of repealing this law, and it lies in your own hands. That way is the pursuance by each of you, individually, in the courts, of that policy which Parnell pursued so successfully in the British parliament,—the policy of passive resistance, the policy of loud and steady protest, the policy of embarrassment, hindrance, blockade, and obstruction. Next week, next month, next autumn, next year, at some time or other in a not remote future, it will fall to the lot of many of those in this hall, and to many more in these two counties outside of this hall, to be summoned for ordinary jury duty. If each and every one of you, on being placed in the jury box and before each trial begins, will rise in his place and say to the court: "I most earnestly protest against having to serve on this jury; there were already too many exemptions, and now the exemption by the special jury law of an additional three thousand in this county imposes upon me more than my fair share of jury duty; I serve here only on compulsion and in a spirit of indignant discontent,"—if each and every one of you will do this, and will repeat it on every occasion that arises, you will powerfully contribute to a constantly-swelling current of public opinion that sooner or later will become a torrent and cause this obnoxious law either to be repealed, or else, to quote Grover Cleveland again, to fall into a state of innocuous desuetude. You need not fear to take this course. You are perfectly safe in doing so. Every juror has a right to make such a protest. No one can say him nay. The judge will frown, but he is powerless to do more. The very worst that he can do is to ask you if you are a native American. And you, in return, if you choose to take a risk, and desire to rival the judge as a blackguard, can ask him if his grandmother was a monkey. If, indeed, you have in you just a little of the stuff that stiffened the spine of native Americans a century ago, you will go still further, on occasion. You will resent every attempt of the court to encroach upon the province of the juror, and especially, when the court orders you as a juror to bring in a certain verdict, you will decline to do so, and will then and there declare that the registration of the verdict as your own is a falsehood spread upon the records of the court. If you have in you the stuff to do that, you will win this fight; if you have not, you deserve your slavery. At any rate such tactics alone can succeed, and it is these tactics that I advise you to follow, while I at the same time promise to follow them myself. Remember, my friends, that they have rights who dare maintain them.

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In the next issue will be resumed the publication of Bellegarigue's "Anarchy is Order," the first two instalments of which, in Nos. 352 and 353, found great favor with Liberty's readers. The necessity of completing in this issue my address on the special jury law compels me to omit not only Bellegarigue, but Mr. Yarros's usual article.

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## Anarchist Letter-Writing Corps.

The Secretary wants every reader of Liberty to send in his name for enrolment. Those who do so thereby pledge themselves to write, when possible, a letter every fortnight, on Anarchism or kindred subjects, to the "target" assigned in Liberty for that fortnight, and to notify the secretary promptly in case of any failure to write to a target (which it is hoped will not often occur), or in case of temporary or permanent withdrawal from the work of the Corps. All, whether members or not, are asked to lose no opportunity of informing the secretary of suitable targets. Address, STEPHEN T. BYINGTON, East Hardwick, Vt.
☞ For the present the fortnightly supply of targets will be maintained by sending members a special monthly circular, alternating with the issue of Liberty.

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Here are extracts from two letters lately received. From the person who sent me the "Modern Review" as target:

> I have in my possession manuscript sent by you to the "Modern Review." I have been very much interested in getting that publication under way, but . . . the venture was postponed until winter. . . . One other was all the target called forth.

From the person who sent the Detroit "Sentinel":

> I have had only one letter from the Corps,—that of Small. Can't you stir them up again? Would like very much to have letters on all sorts of economic questions.

Now, if there are really no letter-writers left in the Corps but J. T. Small and I, we might as well discontinue this column in Liberty. If the time has come for the Corps to die, it dies leaving a good record. Besides the work done directly through the Corps organization (which at times has seemed very effective), it has developed active propagandist writers out of some whose pens were before idle, or nearly so, and has, I believe, suggested some very profitable propaganda work that has been carried on outside of its organization. But it cannot amount to much without members who write letters.

Perhaps I ought not to be discouraged, for the Corps has been as low as this before and has recovered its full strength. But I feel rather tired just now. Therefore, whether your name is now on the roll of the Corps or not, if you want the Corps kept up enough to be willing to write regularly for it, please tell me so at once. If this call is not answered by enough to make an effective working force, I propose to announce that the Corps has disbanded.

The above will suggest the reason why no special target slip has been sent out since the last issue of Liberty.

Target, both sections: John A. Williams, Jacob Triebet, J. T. O'Hair, all of Little Rock, Ark,, are respectively district judge, district attorney, and commissioner of the United States court, and as such are prosecuting the editor of the Little Rock "Tribune" for publishing indecent literature,—to wit, an article clipped from the "Firebrand," where it was published over the signature of "Stella Starbright." The following passages contain the gist of the article and the greatest show of indecency:

> My answer is: you have nothing whatever to do with my sexual relations, so long as I do not infringe your rights. If I am an honest, conscientious neighbor; if I practise the Golden Rule as far as practicable,—you have no more right to meddle with my sexual affairs than you have with my private business matters, or my personal habits in eating or dressing. You have no more right to say with whom I shall, or shall not, consort than you have to say what brand of flour I shall purchase, or what style of dress I shall wear. That is a purely personal matter, and concerns no one but the persons immediately interested. It is none of society's business whether my child belongs to Tom, Dick, or Harry. That is my affair, and that of the one who assists me in the support of the child, provided I need such help. If I do not, then it is solely my own affair. . . . It is singular that they cannot see that violating the seventh commandment, if impelled to do so by natural law, is no more an immoral act than violating the second. And honest investigation, with a desire to establish the truth, will show that there is no natural law that demands monogamy, any more than there is a natural law that makes it wrong to eat several different kinds of food, or to enjoy several different varieties of games, or styles of dress. If we go to a party and select one partner for the dance and stick to that one the whole evening, we are laughed at. If we learn one song and sing it on every occasion, we bore our friends, and they wonder at our taste. If we go to see a certain play every time that particular troupe visits our town, and refuse to see any other, our friends will think us foolish, bigoted, etc. They deplore our want of sense, and regret that our lives are so narrow. They beg us to go once, at least, to see their favorite play; then, if we don't like it, we need not go again. But they know we are not competent to judge of a play, if we have never seen any other. Now, why should we be so exclusively constant to one sexmate regardless of every natural law, while admitting the benefits and necessity of variety in everything else? Just how much variety, or just what form it will take, must depend on individual temperament and environment. What we need is liberty to investigate, to experiment if we so desire, in order to arrive at the exact status of our real needs. And it is my honest opinion that under freedom there would be less variety in full sex union practised than there is with so many prohibitory laws that do not prohibit. And one great gain would be the lessening of the number of hypocrites who must now resort to every device to escape the condemnation they would receive from society, were their real lives laid bare.

The sender of this letter adds:

> Lois Waisbrooker was released on account of letters received by the judge. Send this judge a vigorous protest against the barbarism of such a prosecution; and it will be all the better if you have time to send another copy of the same letter, or a similar one, to the other two officials named.

As the principal object of these letters is to convince the judge of the existence of a wide-spread and watchful public sentiment against such outrages, I hope that those friends who excuse themselves from writing because they have no literary skill will see that here, at least, they have an opportunity.

STEPHEN T. BYINGTON.

## Government.

To the "impractical theorist" comes a smile of amusement when he hears himself denounced as a sentimental visionary by that other man, the patient, submissive drudge-horse who calls himself with pride a practical man. Well knows the visionary that there is none so much the slave of emotion and sentiment as this same practical drudge; indeed, the whole work of visionaries for these many centuries has been the knocking of unprofitable sentiments out of drudges' heads: convincing them that their strenuous struggles on behalf of their superstitions might better be exerted on behalf of their own and their children's welfare of body and brain.

Most people, in fact, continually live in an ideal atmosphere. The less thoughtful each man, the more out of contact with realities, from the Italian laborer who knows nothing of bacteria, but has a wholesome dread of the evil eye, to the more developed, but still unscientifically-minded, public-school teacher, who has a good notion of the causes of disease, but nevertheless scorns not the aid of a sprinkle of holy water.

We are all brought up, not to question and to understand, but to accept and respect: in consequence, we are moved to most of our actions, not by things, but by vaguely-attenuated phrases, which may have expressed thoughts in the minds of those who invented them, but to us are mere sounds.

Such a superstition is the popular conception of government.

When the revolting colonists established these United States, they did what they could to separate us from the hero-worship of the past. They denied the robes, the maces, the buckles and feathers, as well as the titles of superiority and inferiority, to all functionaries; making them to the eye of the practical drudge, as well as to the mind of the philosopher, plain whiskey-drinking and tobacco chewing bipeds, like ourselves. They succeeded tolerably well in what they attempted; although it is not many years since the supreme court resumed some of the ancient black-gowned rig, knowing well that it is the supreme boss, and knowing well, too, that for supreme bosses toggery is far more important than justice.

They did not succeed in what they did not attempt, —that is, in removing from men's minds reverence for the intangible figment of the imagination called government.

So it subsists in our minds to-day, and causes us to perform the strangest and most painful struggles; making us joyfully turn over a large part of our wealth absolutely into the hands of a parcel of alleged representatives for their sole disposition and expenditure, whom, good fellows though they be, we would not entrust to choose and buy a house, or even a coat, for us; we knowing better our own taste, knowing better too whether we can afford to gratify it, than any representative. Oh! but they are government! It is the voice of a god, and not of a man!

Therefore, though we would not trust one of them to build a house for us, we will trust them all together to waste millions on a Capitol building; to spend other millions in subsidizing those who are rich—too rich—already; sugar millionaires by direct bounty; iron millionaires by indirect privilege; to fit up fleets as useless as a howitzer on our front piazza would be, but good for bringing profit to politicians.

It is but a brief time,—brief in a world's development,—some eight hundred years,—ten long lives only would comprise it,—since we started, took a fresh start at least, in this business of government making.

Chaos it was at that time. Not in any invidious sense; at the bottom not chaos at all, any more than the innumerable waves are chaos to him who could know their origin and grasp their entanglements, but to the eye chaos all the same.

Each man acknowledged the rule of him only whose rule he had to acknowledge; of him whose rule it was to the advantage of the ruled to submit to.

The vassal was loyal to the lord because the lord was of use to him, because the lord had arms and mail, leisure to practise warlike exercises, besides the natural inherited disposition of a leader, and a leader is a useful, an indispensable, thing, in warfare at least; perhaps in other things as well. The vassal found in the lord a protector, and gladly gave his services to aid his lord in their joint work of protection.

The commands of the lord, too, the vassal willingly accepted, even though he might not see their precise bearing upon the matter in hand. He would go to bed when ordered, eat or refrain from eating as required, presuming some military perfection to be the end in view. But by and by, when the lord found too willing obedience, being, like the rest of us, human, he presumed upon it, and began ordering things not required for the common protection; grew, by degrees, insolent and overbearing; demanded for himself all the meat; left for his faithful vassals bones only. Then the spirit of the vassals was aroused, their sleeping intelligence was awakened. Why, said they, should we suffer these things?

Valuable, no question, Domino Magnifico is as ornamental head-piece, on his caracoling charger; perhaps, too, his ideas of tactics are of some value, and under his esteemed direction many a neighboring village have we plundered. There is a limit to things, however, and, when he wants to burn our houses as firewood in his great hall, and us to camp in the open, wives and babies too, under the trees only, we can perhaps dispense with him, if he cannot be otherwise persuaded.

All along it has been a submission to power for the sake of some benefits; a denial and revolt when the exactions of the constituted leader, knight or parliament, too far exceeded the advantages obtained.

All along, too, it has been a military relation in its essentials. The judicial function has been exercised, and is still exercised, not upon the principles of justice, but simply with the view of quieting squabbles between those in the ranks as best might be, and reducing them to a military submission.

All along the course of civilization has been a series of revolts against arbitrary power, still persisting in military regulation of private affairs, while the need for military regulation diminished. So the *droit de jambage* and the other alleged "rights" of the French *seigneurs* were for ages tolerated as a less evil than open revolt, until, after a while, revolt became a necessity. So other "rights" from time to time have been repudiated by those who suffered by them. Always revolt from the constituted authorities has been needed for the advance of liberty; always the rebels have been on the side of civilization and progress.

A long way we have advanced by that road; not so far, though, but that we still retain much of the old blind military devotion to those whom we regard as our leaders. We teach our children to make gestures of respect to a flag; to maltreat those who fail in respect for a mere piece of cloth; forgetful that we are inculcating a superstition, emancipation from which that very flag was meant to symbolize.

Yet, in spite of all, we have advanced; we are to advance in the future still farther.

The system of military subordination and command was a necessary system while fighting was men's chief occupation. He is my enemy; help me to kill him, or you are yourself my enemy and I will kill you. That is the principle. But even in military times those nations advanced the most rapidly who maintained their military unity, not by the coercion of any of their members, but by their voluntary working toward a common end.

Even when coercion was most frequent and necessary, it was deemed the fate of a slave to be coerced. Rome might scourge her tributaries; her citizens not.

As military exigencies relax, those nations advance most rapidly in which the coercion of military times is most rapidly replaced by liberty of action. Even in military times there must be liberty to some extent to produce a Themistocles; in commercial and industrial periods liberty is still more essential.

The reason is that the activities known as commercial and industrial are far more complex and varied than the fighting occupation can be.

To fight is one thing, needing scarcely more than one bent of mind to adapt to it, one method to carry it on, one crude code of morals to organize it. To produce and to exchange products is a whole of many parts, each of which may divide into other branches, until the whole becomes as complicated an organism as a branching tree, where from one trunk grow many boughs and many hundred twigs and leaves. Only the organism of commerce is not, like a tree, fixed; it is a continually moving organism, changing itself, like the chameleon, with the color of the ground, a cephalopod, with a thousand arms, to grasp with or walk with, each with preternaturally sensitive eyes, ears, taste, and smell. For such an organism a various choice is needed among the men who are to make it up. One type will not do; many types it must be. And for the attainment of this infinite variety of material for the infinitely inwrought mazes of a developed human society one thing above all must exist,—liberty.

Force all men into one mould by an inexorable military code, and a developed society is impossible.

This is why liberty and progress have gone together; this is why at this moment social development languishes. We need still less fighting gear than we have; of no profit to heart or pocket we now esteem the fighting trade. Yet a great remnant of fighter's superstitions, of fighter's methods, of fighter's morals, still binds us down.

For our perfect social development we must have still more liberty.

Ask any casual man what the use is of government, and he will glibly recite, as if he knew all about it, that government is for protection. Press him closely, and you will find underneath his words his real feelings,—that government is to make people do right. As to just what right may be, he is a little cloudy. It depends much upon whether he is a Democrat, or a Republican, or a Catholic, or a Baptist, or perchance a Mugwump, what his notion may be of what is right. One thing he is cloudily certain of—that what the government wants is right. His talk about protection is mere book-talk, rehearsing the thoughts of colonial revolters; his real feelings are the inherited submission to military regulation, which instinctively he regards as the supreme "right."

Though nobody will own up to it, yet our real feeling is that whatever is "voted" is "right."

Accordingly we have all sorts of intolerably tyrannical measures procured by some people to suit their notions of "right." As an instance, it was proposed to have a law passed that nobody should any more explore the Arctic countries, on the ground that it was not "right" for them to risk their precious lives!

Do we not need men still of adventurous spirit, whose restless energy moves them to risk their lives in struggling with the mysteries of the icebergs, rather than in useless battling with brother men?

In a world where new avenues to perfect life are to be discovered, as well as old ones to be well used, do we not need all degrees of venturesomeness, from the foolhardy to the cautiously timid? Has not each his place and function?

It is no part of the business of a government to make men do "right," because nobody knows, beyond a few rough and approximative formulas, the very rudiments of what constitutes "right."

The only business that remains for a government, after the business of stupid wars with other governments is over, as it soon must be, is to see that the men who support it do not make war on each other. This is its only conceivable function—to protect.

What, then, is protection? For it is possible to excuse the most tyrannical actions under the plea that they are protection. Aye, we will protect you even from yourself; we will forbid you to wear black hats, because they might produce sunstroke; or to eat pie, because you are very sure to spoil your digestion; or to smoke tobacco, because it injures your nerves; or opium, for the same reason; or to drink wine, because somebody else might see your example and over-drink: observe how cleverly we "protect" you and ourselves and him at one blow!

Is this sort of thing reasonably called protection?

Would it be protection for Catholics if everybody, Protestants and all, were compelled to go to mass? Or for Protestants if everybody, Catholics and all, were forbidden to?

Clearly it is not possible to protect either in doing "right," because their notions of right are antipodal. All that can be protected is the liberty of each to do what seems to him "right,"—that is to say, to do as he chooses.

The work is simple enough, as long as what each chooses to do does not oppose what somebody else wants to do; when it does so oppose, then comes the rub; not a frequent rub, however, hardly occurring at all when men give up the notion that they are to be

protected in forcing their tastes on each other, and confine themselves to protecting themselves and others in the indulgence each of his own tastes.

What business have we, for example, who wish to go to church on Sunday to forbid other men who prefer to go to the bar-room from going whither it pleases them? As long as we may go whither we will, we must, in all consistency, grant them the liberty of going whither they will. How else can we with a clear conscience defend our own liberty?

Majority, say you? The minority shall yield to the majority? Is it the voice of the majority of the people that is the voice of a god? Then let there be a law passed forthwith that all shall drink strong drink, for surely the drinkers are the vast majority. Oh, but you will say, the majority must prevail only when it wants what is right. Don't you think, my friend, that you are somewhat muddled in your argument? Possibly a drink might brighten your intellect.

Protection is not this: it is the protection of liberty—do-as-you-please liberty; do as you please as much as possible; walk where you will in the world, only don't run into anybody.

It is by mistaken notions of what constitutes protection, of what constitutes liberty, that men everywhere let governments forbid—that men everywhere humbly cringe to such forbidding, would annihilate those who might resist—such clear liberties as the liberty to go to work wherever on the green face of earth others are not working; the liberty to give and receive in exchange whatever others are willing to give and take.

Is it reasonable to call that protection which is done for a person against his will? Is it reasonable to call it protection if we should forbid him whose heart is bent on exploring to explore, whether in Greenland for fear he might take cold, or in Africa for fear he might be sunburned? Protect him, forsooth, against himself and his own stupidity, poor fellow! Again I say, that is not protection; that is tyranny. Each one must take the risks of doing as he pleases. It is his own affair; if he is foolhardy and is killed, there is one fool the less; if he is foolhardy and succeeds, it is we, who would forbid him to try, that are the fools.

It is protection only when people want to be protected.

How are governments constituted now?

Do they offer their services only to people that want them? On the contrary, do they not assume that all want their services, and compel all to pay for them, by taxing them, whether or no? Can it be called protection for you to take money out of a man's pocket to buy him a revolver, when he assures you that he doesn't want it? Still less can it be called protection if you take his money to buy him books that he doesn't want?

Yet this is precisely what governments everywhere do. They force the pacifically-minded few to aid in paying for the wars of the ferocious many; they compel him who regards the police as a tool for maintaining the rich in the possession of their stolen riches to pay for police hire; everywhere they behave, not as those who are doing a desired service for a willing employer, but as tyrants, by a divine right compelling slaves to do what the tyrant thinks best for them. These institutions, called governments, pretending to defend liberty, really, in their essence, are organized attacks on liberty.

Democracy, the spirit-of-do-as-you-please, no divine authority, simply human makeshift, doing the best it knows how for its own existence, has brought us so far; by the same spirit we shall go farther; until nothing is left of the king's prerogative; nothing but the rebel's right of self-protection, and the rebel's respect for other men's liberty, with which his own good sense and his value of his own liberty will inspire him.

The true view of the matter is this: that the only justifiable use of violence, especially of the organized violence which constitutes government, is for self-protection.

What, now, is self-protection? Does the plea of self-protection entitle me, if I am able, to force another to my wishes in all respects? Clearly it does not. All that it does entitle me to do is to resist his attempting to force me to fulfil his wishes. But are there not cases where the two conflict? Is it not sometimes impossible for me to do as I please without preventing my neighbor from doing as he pleases? Unquestionably there are many such cases; the solution, too, is not always easy. Sometimes one, sometimes the other, sometimes both, must forego certain actions. But, the principle once admitted, it is astonishing to find how few of the innumerable laws that are passed are admissible as necessary protective measures; it is astonishing how narrow are the limits of real interference of free actions with each other.

Once clearly admitted, the principle of compulsion for self defence only affords us a new light by which to determine the validity of legislation.

Take, for instance, the various laws forbidding all sorts of things on Sunday. Some old-fashioned blue-laws, as we call them, forbidding travel, traffic of any kind, and some even harsher, we well see the tyranny of now; yet those which we still enact are, in principle, not less so. The laws forbidding strong drink to be sold on Sunday,—how are these to be supported on grounds of self defence? We must protect our wives and mothers from husbands who would drink all their wages! We must protect our children from bad example! We must protect ourselves from the unpleasant sight of the desecration of a day which we regard as holy!

But this kind of protection is not self-protection at all. Under such pleas the Inquisition might have justified its atrocities.

Self-protection does not mean that we are to protect ourselves from everything that is disagreeable to us, or even from some things that are injurious to us. We may not elbow our way too violently through a crowd that is obstructing us, even though we are compelled by the crush to miss an important appointment. All that self-protection means is to protect our own liberty of action, and the necessary social corollary includes respect for other people's liberty as well as our own.

True liberty means that all shall have as much liberty to exercise their faculties as possible; that all actions shall be tolerated which do not preclude another from exercising his faculties.

Judged by this standard, all existing governments will be found to rest upon an essential injustice,—the alleged right of taxation.

How can it be regarded as the defence of liberty to take money out of a man's pocket whether he will or not? Yet upon this forcible levy of money-assessments all governments are founded; the institutions that are supposed to exist to support liberty are based upon the denial of liberty.

Face to face with this fundamental tyranny, which in principle differs very little from highway robbery, details as to the exact form of government are of slight importance. If you are to be forced to pay out of your pocket, it matters not whether a czar or a majority-vote is the tyrant. Indeed, as is often remarked, but rarely understood, a majority is capable of being far more tyrannical than an autocrat; the latter must have some regard for a powerful minority; the former, as long as the minority is subservient to belief in a majority principle, need have no respect at all for it.

Is it any surprise, when we learn upon what an indefensible base governments stand, that the practical working of government should be the thing that it is? From autocratic Russia to democratic America, from paralyzed paternalistic China to rapidly developing experimental France, everywhere the words government and dishonesty are synonymous. Russia and China are notorious, notwithstanding the power of autocracy to hush disreputable rumor. France has her Panama scandal, big of its kind, but positively trivial compared with the revelations that occur every day, here, in free America, best of governments in theory.

Politics with us has become a by-word. Nobody is supposed to have anything to do with politics, except for his private gain, by underhanded dealings. Our legislators make laws or withhold them with the view of influencing the markets. Candidates, even for judgeships, know that their contributions to party funds are the price of their election. Behind all parties, from the local village to the national organization, stand the men who put up the money. The police are—in New York city at least, as long has been believed, and recently proved by an investigating committee from a legislature of the opposite party—thoroughly corrupt, making the greater part of their emoluments, from patrolman to commissioner, by receiving payment from infringers of the laws for letting them alone.

Yet the people revere Government, with a big G, as an abstraction, a divine thing, and they occupy themselves in solving infinitesimal questions of possible, practical, political purification.

Practical purification of what is founded on robbery is impossible. Do away with the fundamental wrong, and purification easily follows.

The whole ferment of politics is started by compulsory taxation; with the abolition of compulsory levies politics, as we now know it, and corruption with it, will vanish.

Given a vast fund of public money, to be spent at the will of those who are able to possess themselves of it, it follows that certain people will make it their business to so possess themselves. To watch the times and manner of elections; to propagate views by campaign publications; to prepare the necessary materials, ballots, and the rest,—all this takes too much time and thought for anybody to devote himself to it in addition to his other business.

Consequently it becomes a business by itself, called politics. Its methods are neither better or worse than are necessary to achieve its ends. Those who are in it are in it simply to make a living, more or less ample. Deals and money-arrangements follow as a matter of course. If a rich man contributes largely to the campaign funds and indicates his willingness to be, say, vice-president, can voters be blamed if they vote for him? Can party leaders be blamed if they accept his money and nominate him? Can even the chiefs be blamed if they find themselves the owners of an additional house or two,—a reward for their otherwise unpaid exertions? Surely not.

Or, if a powerful company, with brothers and cousins of its stockholders, or even its stockholders themselves, in the legislature, wants favorable legislation, can it be blamed for contributing to the success of the party that will vote what it wants? Or can the members that vote what it wants do otherwise, when they know that it was the company's money that got them their seats?

Yet this is corruption, so-called. It is not necessary to think that every member of a legislature is paid cash in hand. Often it is the interest of mere family relationship or business connections,—knowing on which side the bread is buttered, in brief phrase.

Yet all this occurs simply because we put these two really terrific powers, the power of taxation and the power of legislation unlimited by any restriction to defence of liberty, in the hands of totally irresponsible men.

But these commonly-observed evils are by no means the worst that compulsory government involves. Far greater are the more obscure results which are only now beginning to be recognized as evils at all; which have been supposed, and are still generally supposed, to be benefits rather than evils.

The most injurious of these deeper results of government is the restriction of the provision of the means of exchange called currency, which restriction is the cause of the payment of interest, with the social inequity that follows. This restriction is but a reminiscence of the times when the kings governed by an admitted "divine right," and is now practised because of a surviving conviction of the semi-supernatural character even of democratic organizations. Added to the iniquitous distribution of wealth caused by interest, the restrictions of currency are the cause of frequent disaster and perennial distress to commerce.

Only second to the restrictions upon currency in evil results is the prevalent law-supported system of land-holding. Of right land must be like air, free to all for use; which does not mean that anybody may use land which another is using, but that anybody may use land which another is not using.

Use and occupancy together are the necessary conditions for the ownership of the products of the land; when either of these ceases, just title to the land ceases also. The existing method has the effect of making a country seem crowded before it is settled, of leaving an "army of the unemployed" who cannot employ themselves, and of originating and perpetuating pauperism and slavery.

Add to these two grand errors the hardly less destructive systems of tariffs and licenses, the obstruction to invention that exists in the patent laws, and the innumerable minor tyrannies that are invented to "regulate" somebody, and the wonder is that the human race manages to live at all, in the strait-jackets of its own invention.

We have reached the hesitating point of progress. With the apparent failure of civilization before us, something must be done before further civilization is possible. The terrors of the savagery of dependence and destitution are known and deplored; but something more than a tear of pity is needed. All this is caused by government, and government as it now is must disappear before there can be much more progress.

It will disappear, not by counter-violence,—although much counter-violence, by minds whom government itself has bred to think that violence is the remedy for all things, will doubtless be used,—but by the loss of faith of the people in the government superstition.

People talk about over-legislation; all admit that we have too many laws; how many know to what extent legislation is really in excess?

Take away, first, all the law of contracts (many lawyers, under the present *régime*, admit its injurious effects); take away all the laws of real estate and landlord and tenant; take away all the banking and financial laws, and the laws relating to interest; take away the whole patent law, all religious laws, all of our barbarous marriage law, all law that restricts liberty instead of maintaining liberty; take away, finally, the power to force the few intelligent to join in the tyranny of the many ignorant, called taxation, and what have we left? A FREE SOCIETY.

Such a free society is possible now, just as soon as men understand its advantages. It is not necessary—not in the least necessary—that people should be "good," "unselfish," and so on.

All that is needed is that they should use the intelligence that they have.

It is as when a plough is offered to a coolie who has always used a bent stick to plough with. Habit makes him hesitate; he perceives the advantages of the more perfect implement, but he is accustomed to the other. So now men think that government is the best engine for defence they can devise; when they begin to learn that for every cent's worth of defence it takes a dollar's worth of plunder, they will consider the merits of a better defence-machine when offered. With liberty virtue becomes possible; at present it is impossible.

The precise details of the social system that will come when real freedom is established no man can foretell. A vague forecast may be permitted.

In the first place, private association will be possible on a vastly larger scale than the present corporations exhibit, and all that is now done by either corporations or public bodies will be done by them. Railroads (if wanted, and not where they are not wanted), canals, bridges, telegraphs, and telephones will be carried on by private associations. There will be one difference; shareholders will receive no emoluments, nothing but their part in the direction. Public works, too, highways, town halls, parks, will be administered in the same way, but only those that want them will contribute to them. For lighthouses and buoys ship owners and trade associations will subscribe; and the tendency will be to form international associations of those whose interests are the same, fostering much the brotherly spirit of all men.

As for defence of liberty, there will doubtless be various associations with a voluntary membership to determine as closely as they can the limits of interference of the free action of individuals, and to defend the exercise of as much freedom as possible by every means, but by force only when absolutely necessary.

And for the determination of disputed points it is probable that the old time jury of Magna Charta, not the debauched jury system of to day, will be used.

Under such a system there will be no more political corruption, no more politics, no more degrading commercialism, no more wealth, no more poverty. But there will be protection of life and liberty for all, wholesome activity and generous competition for all; none without work, none without hope, independence, and interest in life, liberty established in fact, equality established substantially, fraternity as a luxury in which we may then safely indulge.

JOHN BEVERLEY ROBINSON.